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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,982	11/30/2000	E. Michael Lunsford	2908.US.P	6294

56436 7590 12/20/2006
3COM CORPORATION
350 CAMPUS DRIVE
MARLBOROUGH, MA 01752-3064

EXAMINER

LAZARO, DAVID R

ART UNIT	PAPER NUMBER
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2155

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/20/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/727,982	Applicant(s) LUNSFORD ET AL.	
	Examiner David Lazaro	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7, 9-13, 15 and 17-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 9-13, 15 and 17-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed 10/02/06.
2. Claims 1, 9, 19 and 24 were amended.
3. Claims 6, 8, 14 and 16 are canceled.
4. Claims 1-5, 7, 9-13, 15 and 17-24 are pending in this office action.

Response to Amendment

5. Applicant's arguments with respect to claims 1-5, 7, 9-13, 15 and 17-24 have been considered but are moot in view of the new ground(s) of rejection.
6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Claim Objections

7. Claims 9 and 15 are objected to because of the following informalities:
8. Claim 9 states the language "wherein further the first mobile computing device is operable...". This language is grammatically unclear.
9. Claim 15 is missing the claim number for its dependency. Appropriate correction is required.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-4, 9-12 and 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 7,072,939 by Amro et al. (Amro) in view of U.S. Patent 6,128,661 by Flanagan et al. (Flanagan).

12. With respect to Claims 1 and 19, Amro teaches a wireless communication method for selective transmission of data among a group of mobile computing devices, comprising:

broadcasting a query to determine a group of mobile computing devices within communications range (Col. 3 lines 24-30: hub determines list of devices in range; Col. 7 lines 7-20: hub poll and device requesting list of devices);

a list of mobile computing devices within communications range (Col. 7 lines 15-20: list of devices is sent to device);

receiving a selection of one or more mobile computing devices from the list for a data transfer (Col. 7 lines 21-32: request for a shared document on target device);

performing the data transfer to the one or more mobile computing devices using a wireless communication (Col. 7 lines 21-32: sending requested shared document; Col. 3 lines 31-39: IR or RF wireless communication)

While it may be implied that the mobile devices of Amro have a graphical user interface (Col. 1 line 56 - Col. 2 line 14), Amro does not explicitly disclose presenting the list of mobile computing device on a graphical user interface, and the selection of one or more devices being performed at the graphical user interface by a user. Flanagan teaches presenting a graphical user interface that allows the user to select a computing device from a list of computing devices for a data transfer (Col. 9 line 61 - Col. 10 line 8).

Amro does not explicitly disclose when the selection comprises a single mobile computing device, prompting, using the graphical user interface, the user to select a wireless communication type selected from the group consisting of an infrared link and a radio frequency (RF) link, and when the selection comprises multiple mobile computing devices, automatically selecting the radio frequency link. Flanagan teaches presenting a graphical user interface that allows the user to select a wireless communication type from a group consisting of an infrared link and a radio frequency (RF) link (Col. 9 lines 29-50 and see Fig. 8).

In regards to "when the selection comprises multiple mobile computing devices, automatically selecting the radio frequency link", the examiner notes the claim language regarding the selection is presented in the alternative; "a selection of one or more mobile computing devices". This rejection meets at least a selection of one mobile computing device. Therefore, the limitation "when the selection comprises multiple mobile computing devices, automatically selecting the radio frequency link" is an alternate limitation.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method (and corresponding computer usable medium Col. 8 lines 38-49)) disclosed by Amro and modify it as indicated by Flanagan such that the method further comprises presenting, on a graphical user interface, a list of mobile computing devices within communications range; receiving a selection of one or more mobile computing devices from the list for a data transfer, the selecting performed at the graphical user interface by a user; when the selection comprises a single mobile computing device, prompting, using the graphical user interface, the user to select a wireless communication type selected from the group consisting of an infrared link and a radio frequency (RF) link, and when the selection comprises multiple mobile computing devices, automatically selecting the radio frequency link; and performing the data transfer to the one or more mobile computing devices using the wireless communication type selected. One would be motivated to have this, as there is need for reducing the burden on the user in improving the connection and interaction between computing devices (In Flanagan: Col. 2 lines 5-18).

13. With respect to Claims 2, 10 and 20, Amro further teaches wherein at least one of the mobile computing devices is a PID (personal information device) (In Amro: Col. 3 lines 4-10).

14. With respect to Claims 3, 11 and 21, Amro further teaches wherein at least one of the mobile computing devices is a cellular telephone (In Flanagan: Col. 7 line 1-5).

15. With respect to Claims 4, 12 and 22, Amro further teaches wherein the query is broadcast using the RF link (IN Amro: Col. 3 lines 31-39: either IR or RF is used).

16. With respect to Claim 9, Amro teaches a wireless communication system for selective transmission of data among a group of mobile computing devices, comprising:

a first mobile computing device operable to broadcast a query to determine a group of mobile computing devices within communications range (Col. 7 lines 7-20: device query for list of devices); and

a display built into the first mobile computing device and operable to present a GUI (graphical user interface) (Col. 6 lines 25-26: display is capable of presenting a GUI),

a list of mobile computing devices within communications range (Col. 7 lines 15-20: list of devices is sent to device),

receiving a selection of one or more mobile computing devices from the list for a data transfer (Col. 7 lines 21-32: request for a shared document on target device),

and wherein further the first mobile computing device is operable to perform the data transfer to the one or more mobile computing devices using a wireless communication (Col. 7 lines 21-32: sending requested shared document; Col. 3 lines 31-39: IR or RF wireless communication).

Amro does not explicitly disclose a GUI operable to present the list of mobile devices and further operable to receiving the selection of the one or more devices by a user. Flanagan teaches presenting a graphical user interface that allows the user to select a computing device from a list of computing devices for a data transfer (Col. 9 line 61 - Col. 10 line 8).

Amro does not explicitly disclose wherein when the selection comprises a single mobile computing device, the GUI prompts a user to select, using the GUI, a wireless communication type selected from the group consisting of an infrared link and a radio frequency (RF) link, and when the selection comprises multiple mobile computing devices, the radio frequency link is automatically selected. Flanagan teaches presenting a graphical user interface that allows the user to select a wireless communication type from a group consisting of an infrared link and a radio frequency (RF) link (Col. 9 lines 29-50 and see Fig. 8).

In regards to “when the selection comprises multiple mobile computing devices, the radio frequency link is automatically selected”, the examiner notes the claim language regarding the selection is presented in the alternative; “a selection of one or more mobile computing devices”. This rejection meets at least a selection of one mobile computing device. Therefore, the limitation “when the selection comprises multiple mobile computing devices, the radio frequency link is automatically selected” is an alternate limitation.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Amro and modify it as indicated by Flanagan such that the system further comprises a display built into the first mobile computing device and operable to present a GUI (graphical user interface), the GUI operable to present a list of mobile computing devices within communications range, the GUI further operable to receive a selection of one or more mobile computing devices from the list for a data transfer, wherein when the selection comprises a single mobile

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computing device, the GUI prompts a user to select, using the GUI, a wireless communication type selected from the group consisting of an infrared link and a radio frequency (RF) link, and when the selection comprises multiple mobile computing devices, the radio frequency link is automatically selected, and wherein further the first mobile computing device is operable to perform the data transfer to the one or more mobile computing devices using the wireless communication type selected. One would be motivated to have this, as there is need for reducing the burden on the user in improving the connection and interaction between computing devices (In Flanagin: Col. 2 lines 5-18).

17. With respect to Claim 17 and 18, Amro further teaches storing information indicating the wireless communication type selected when the user selects the wireless communication type (In Flanagin: Col. 9 lines 30-60: connectoid).

18. Claims 5, 13 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amro in view of Flanagin and further in view of "BLUETOOTH - The universal radio interface for ad hoc, wireless connectivity" Ericsson Review No. 3, 1998, by Haartsen (Haartsen).

19. With respect to Claims 5, 13 and 23, Amro in view of Flanagin teach the use of RF communications (In Amro: Col. 3 line 31-39), but do not explicitly disclose the RF link is compatible with a version of the Bluetooth specification.

Haartsen teaches Bluetooth technology is supported by many manufacturers and allows portable electronic devices to connect and communication wirelessly via short-range, ad hoc networks (See Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method (and corresponding system and computer readable medium) disclosed by Amro in view of Flanagan and modify it as indicated by Haartsen such that the RF link is compatible with a version of the Bluetooth specification. One would be motivated to have this, as Bluetooth is well supported and particularly suitable for ad hoc network such as the networking in Amro (In Haartsen: Abstract and page 117, conclusion).

20. Claims 7, 15 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amro in view of Flanagan as applied to claims 1 and 9 above, and further in view of U.S. Patent 6,421,716 by Eldridge et al. (Eldridge).

21. With respect to Claims 7, 15 and 24, Amro in view of Flanagan does not explicitly disclose presenting a confirmation of the data transfer.

Eldridge teaches feedback can be provided by presenting a confirmation to the user (Col. 12 lines 25-27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method (and corresponding system and computer readable medium) disclosed by Amro in view of Flanagan and modify it as indicated by Eldridge such that it further comprises presenting a confirmation of the data transfer.

One would be motivated to have this, as it is desirable to keep a user informed in relation to mobile data transactions (In Eldridge: Col. 2 lines 14-29).

Conclusion

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

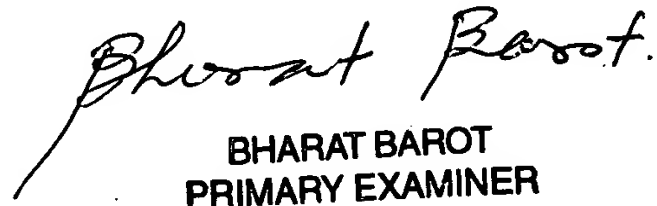
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



David Lazaro
December 16, 2006



BHARAT BAROT
PRIMARY EXAMINER